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Management

Mining Claims and Sites on Public Domain Lands

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The ***Bureau of Land Management*** is responsible for the balanced management of the Public Lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield -- a combination of uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural scenic, scientific and cultural values.

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The Federal Land Policy and Management Act of 1976 launched a new era for public land management in America's Third Century. The Act provides that the public lands remain under the stewardship of the Federal Government, unless disposal is in the National interest, and that their resources be managed under a multiple-use concept that will best meet present and future needs of the American people. This information pamphlet concerns one facet of one of these multiple uses: Mining under the Mining Law of 1872, as amended.

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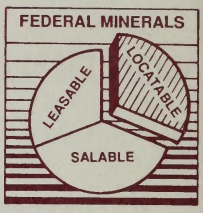


INTRODUCTION

The three basic types of minerals on Federally administered (public domain) lands are locatable, leasable, and salable. These minerals have been defined by Federal laws, regulations, and legal decisions. This pamphlet discusses locatable minerals.

The major Federal law governing locatable minerals is the Mining Law of 1872 (May 10, 1872), as amended (30 U.S. Code 22-54). This law provides citizens of the United States the opportunity to explore for, discover, and purchase certain valuable mineral deposits on Federally administered lands. These minerals include metallic minerals and certain nonmetallic minerals. The law also sets general standards and guidelines for claiming the rights to minerals discovered during exploration. Other provisions also allow for the development of local rules, consistent with Federal law. Therefore, several states have their own manner of locating and recording mining claims, tunnel sites, and mill sites on public lands within their boundaries.

This pamphlet is a brief introduction to the locatable minerals program on public domain lands. It also provides individuals with sources for finding more detailed information. Sources in the last section of this booklet provide information on the following topics: 1) geology and mineral resources of a particular area, 2) mining and milling techniques, 3) surface protection and reclamation requirements, and 4) other Federal and State legal requirements.

The Mining Law of 1872, as amended, has five

elements: 1) **Discovery** of a valuable mineral deposit, 2) **Location** of mining claims and sites, 3) **Recordation** of mining claims and sites, 4) **Maintenance (Annual Work/Surface Management)** of mining claims and sites, and 5) **Mineral Patents.** The Mining Law Administration program managed by the Bureau of Land Management (BLM) involves the last three elements: recordation, maintenance (annual work/surface management), and mineral patents. Surface management on National Forest lands is administered by the Forest Service.

DISCOVERY

Locatable Minerals

Locatable minerals include both metallic minerals (gold, silver, lead, etc.) and nonmetallic minerals (fluorspar, asbestos, mica, etc.). Some minerals that are normally locatable onshore are leasable on the Outer Continental Shelf. Similarly, minerals on most lands acquired (purchased or received) by the United States are leasable. It is nearly impossible to prepare a complete list of locatable minerals because of the complex legal requirements for discovery. Therefore, we will list minerals that are not locatable.

Common varieties of sand, gravel, stone, pumice, pumicite, cinders and clay are salable, not locatable. Salable minerals require either a sales contract or a free use permit. Disposals of salable minerals from the BLM are regulated by Title 43, Code of Federal Regulations [CFR], Part 3600. On National Forest lands, you may need a special use permit from the Forest Service (see 36 CFR Subpart C 228.40).

However, uncommon varieties of these minerals are locatable. Several legal decisions define the properties that make up uncommon varieties of these commodities. Federal mineral examiners determine uncommon varieties on a case-by-case basis.

Petrified wood is not locatable under the mining laws. Hobbyists may remove small amounts for noncommercial use free of charge (see 43 CFR 3622.4). The Federal Government sells larger amounts.

The Federal Government leases fuels and other minerals (see 43 CFR 3000-3590). These leasable minerals include oil and gas, oil shale, geothermal resources, potash, sodium, native asphalt, solid and semi-solid bitumen, bituminous rock, phosphate, and coal. In Louisiana and New Mexico, sulphur is leasable.

"Discovery" of a Valuable Mineral Deposit

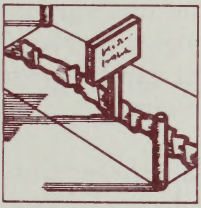
Federal statutes do not describe what constitutes a valuable mineral deposit. This lack of a statutory definition has resulted in several judicial and administrative declarations. The "prudent man rule," or definition of discovery, was given in a Land Decision of the Department of the Interior in 1894: Castle *v.* Womble, 19 LD 455 (1894). It states:

> "...where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine, the requirements of the statutes have been met."

The Supreme Court approved this definition in

Chrisman *v.* Miller, 197 US 313 (1905). In 1968 the Supreme Court approved a pre-existing concept of marketability in U.S *v.* Coleman, 290 US 602-603 (1968). The marketability test adds to the prudent man rule. Its use by the Department of the Interior since 1933 is based on the Solicitor's Opinion in Layman *v.* Ellis, 52 LD 714 (1929). This decision involved widespread nonmetallic minerals. The Solicitor noted a need for a distinct showing that the mineral could be mined, removed, and marketed at a profit. The marketability test considers economics. It requires that the claimant show a reasonable prospect of selling material from a claim or a group of claims. This was upheld by the Interior Board of Land Appeals in Pacific Coast Molybdenum, 90 ID 352 (1983). Proof of past or present profit is not a requirement. However, a profit must be a reasonable likelihood.

Other Departmental decisions require a discovery on each claim, based on an actual physical exposure of the valuable mineral within the claim boundaries. Also, each 10 acres on a placer claim, after a discovery, must be mineral-in-character. Mineral-in-character is a discovery based on geologic inference, not necessarily on actual exposure.



LOCATION

Mining Claims and Sites

Anyone who is a citizen of the United States or has declared an intention to become a citizen may locate a mining claim. A corporation organized under State laws may also locate a mining claim. The Government considers these corporations the same as a citizen. A claim held by an alien is voidable only by the U.S. Government, not an-

other individual. A claimant may hold any number of claims or sites.

A mining claim is a particular parcel of public land, valuable for a specific mineral deposit or deposits. It is a parcel for which an individual has asserted a right of possession. The right is for developing and extracting a discovered mineral deposit. There are two types of mining claims, lode and placer. There are two other types of mineral entries, mill sites and tunnel sites.

1. ***Lode Claims.*** Deposits subject to lode claims include classic veins or lodes having well-defined boundaries. They also include other rock in-place bearing valuable minerals and may be broad zones of mineralized rock. Examples include quartz or other veins bearing gold or other metallic minerals and large volume, but low-grade disseminated gold deposits. Lode claims are usually parallelograms with the longer side lines parallel to the vein or lode (see Figure 1). Descriptions are by metes and bounds surveys (giving length and direction of each boundary line). Federal statutes limit their size to a maximum of 1,500 feet in length along the vein or lode. Their width is a maximum of 300 feet on either side of the center line of the vein or lode. The end lines of the lode claim must be parallel to qualify for underground extralateral rights. Extralateral rights involve the rights to minerals that extend at depth beyond the vertical boundaries of the claim.

2. ***Placer Claims.*** Mineral deposits subject to placer claims are all those not subject to lode claims. These include deposits of unconsolidated materials, such as sand and gravel containing free gold or other minerals and many nonmetallic bedded or layered deposits, such as gypsum, talc, and high calcium limestone. Placer claims, where practical, are located by legal subdivision (for example: the E 1/2 NE 1/4 NE 1/4, Section 2, Township 10 South, Range 21 East, Mount Diablo Meridian). The maximum size of a placer claim is

20 acres per locator. However, an association of two locators may locate 40 acres, and three may locate 60 acres, etc. The maximum area is 160 acres for eight or more persons. However, the maximum size of an association placer claim in Alaska is 40 acres under State law.

The maximum size of a placer claim for corporations is 20-acres per claim. However, corporations may not locate association placer claims.

A mining claim is valid against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit.

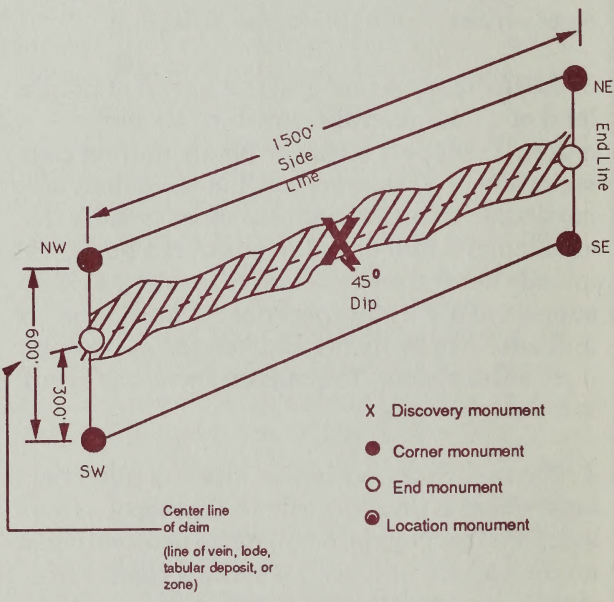
3. ***Mill Sites.*** A mill site is a parcel of public land of a nonmineral character. Its purpose is to either: 1) support a lode or placer mining claim operation or 2) support itself independent of any particular claim. A mill site must include the erection of a mill or reduction works and/or may include other uses reasonably incident to the support of a mining operation. Descriptions of mill sites are by metes and bounds surveys or legal subdivision. The maximum size of a mill site is 5 acres per site.

4. ***Tunnel Sites.*** A tunnel site is a plot of public land where a tunnel is run to develop a vein or lode. Its use may also be for the discovery of an unknown vein or lode. To stake a tunnel site, two stakes must be placed 3,000 feet apart on the line of the proposed tunnel. Recordation is the same as a lode claim.

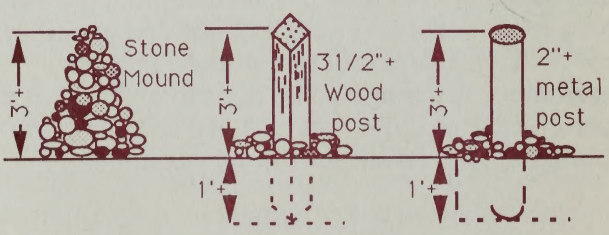
The miner may locate lode claims to cover any or all blind (not known to exist) veins or lodes intersected by the tunnel. The maximum distance these lode claims may exist is 1,500 feet on either side of the center line of the tunnel. This, in essence, gives the miner the right to prospect in a cylindrical area 3,000 feet by 3,000 feet. Mineral patents are not issued for tunnel sites.

Methods of describing and monumenting mining claims and mill sites in California.

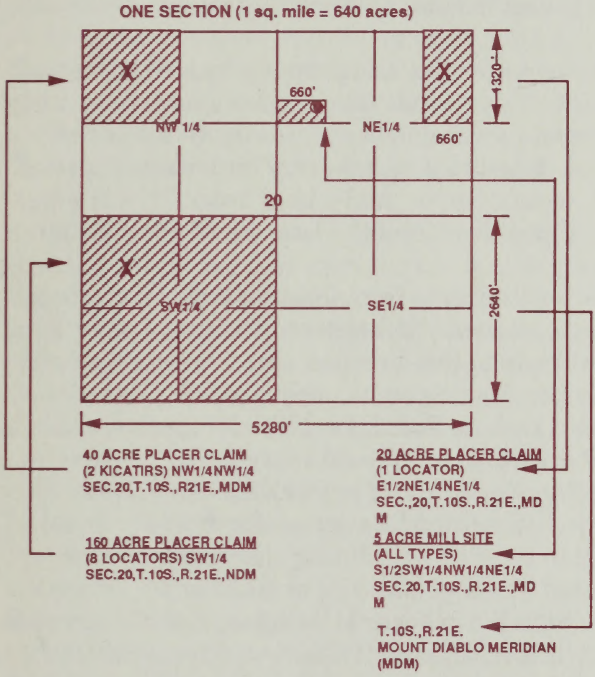
Drawing of an ideal lode mining claim (Metes and bounds survey method)



State law suggests prima facie conspicuous and substantial monuments (Cal. Pub. Res. Code, Chapt. 4, Sec. 2316) for all types of claims and sites.



Drawing of a section of land showing types of placer mining claims (PMC) and a mill site (MS). The legal description method is based on the U.S. Public Land Survey.



Illustrations by J. R. Evans

NOTE: Other states may have other requirements for monuments. Other monuments can be used in California as long as they are conspicuous and substantial.

Federal Lands Open to Mining

There are Federally administered lands in 19 States where you may locate a mining claim or site. These States are Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The BLM and the Forest Service manage these areas.

You may prospect and properly locate claims and sites on these lands unless others have previously claimed the land. No claims may be staked in areas closed to mineral entry under some special act, regulation, or public land order. These areas are withdrawn from the location of mining claims.

Areas withdrawn from location include: National Parks, National Monuments, Indian reservations, most reclamation projects, military reservations, scientific testing areas, most wildlife protection areas (such as Federal wildlife refuges), and lands withdrawn from mineral entry for other reasons. Lands withdrawn for power development are subject to mining location and entry only under certain conditions. Mining claims may not be located on Forest Service or BLM-administered land which has been: 1) designated by Congress as part of the National Wilderness Preservation System, 2) designated as a Wild and Scenic River, or 3) withdrawn by Congress for study as a Wild and Scenic River. There is usually a 1/4 mile withdrawn buffer zone on either side of a designated Wild and Scenic River. Additions to the National Wilderness Preservation System are withdrawn to mining claim location at the time of designation by Congress. Mining activities are permitted only on those mining claims which can show proof of a discovery either: 1) by December 31, 1983, or 2) on the date of designation as wilderness by Congress, whichever comes later.

Staking a Mining Claim

Federal law specifies that claim boundaries must be distinctly and clearly marked to be readily identifiable. Most States, though, have statutes and regulations adding to the Mining Law of 1872, as amended. These State requirements concern the actual staking and recording of mining claims. Staking requirements include the placement, the size, and acceptable materials for a corner post or a discovery monument. Check with the proper State agency(s) before locating your claim. State agencies may include the State geological survey, the State mineral resource department, or the State lands commission.

Generally, staking a mining claim includes: 1) erecting corner posts or monuments and 2) posting a notice of location on a post or monument in a conspicuous place. (see Figure 1). The conspicuous place is usually the point of discovery. Several States also require side-line or end-line posts or monuments. Claims and sites described by legal subdivision do not usually require the erection of corner posts. However, all claims must have a location or discovery monument.

For a specific tract of land, check the official land records at the proper BLM State or District Office. Rather than looking randomly through the records for open ground, it is better to find a general area of interest. Buy a topographic map(s) of the area (published by the U.S. Geological Survey) and get the legal description (meridian, township, range, section, lot). Then, visit the local BLM office or the BLM State Office Public Room and check maps, records, and files. Ultimately, the prospector must check for prior existing claim markings on the ground.

Claimant's Rights

If a claim or site meets all the Federal and State requirements, the claimant has a possessory right to develop and extract the minerals. However, the claim or site cannot be used for other purposes. The claimant has the right to use so much of the surface of the claim or site as is reasonably necessary for mining and milling purposes, including: 1) access across Federally managed surface to and from the claim, 2) use of as much of the timber on the claim as is necessary for the mining operation, and 3) construction of fences and gates to protect the immediate area of operations and equipment. Also allowed are temporary and permanent structures for storing equipment, housing full time employees, and testing and processing facilities. See the approval requirements for structures and occupancy in the Surface Management section of this pamphlet.

Mining claims and sites are real property. The interests in them and associated rights may be bought, sold, willed, or inherited.

RECORDATION

Recording a Mining Claim

Claims and sites must be recorded with both the State (county) and the proper BLM STATE OFFICE. In Alaska, claims may also be recorded with the BLM office in Fairbanks.

County: State laws usually require filing the *original* location notice or certificate in the County Recorder's or the County Clerk's office.

The proper county is the one in which the claim is located. Each State has its own requirement for when a location notice must be filed and recorded. This period is usually within 90 days of staking the claim on the ground. However, some States require earlier filings, such as within 60 days and 30 days. Other States have different timeframes for different types of claims.

Location notices contain the following basic information: 1) the date of location on the ground, 2) the name of the locator(s), 3) the name of the claim or site, 4) the type of claim or site, 5) the acreage claimed, and 6) a description of the parcel on the ground. The description may be either a legal description (by parts of the section, township and range) or a metes and bounds survey (connection of corners by distance and direction). Metes and bounds surveys are tied to the discovery point. The discovery point should be tied to some well-known, permanent object. Examples of permanent objects include an existing Cadastral Survey monument, a bridge, a fork of a stream, or a road intersection.

Local printing companies, stationery stores, and BLM offices are typical sources for location notice and certificate forms.

BLM: The Federal Land Policy and Management Act of 1976 (FLPMA) requires claimants to file with BLM a *copy* of the official record of the notice or certificate of location. This includes any amendments and any changes in ownership. Maps and other documents filed under State law must accompany the copy of the official record. Even if State law does not require recordation, the owner must file proper documents with BLM. Federal recording regulations, 43 CFR 3833, specify the information required. There is a $10 nonrefundable service charge to record each new location. There is a $5 nonrefundable service charge to file amendments and transfers of ownership for each claim or site. Use a separate location notice for each claim and site or the claim/site could be deemed abandoned.

Amendments and Transfers of Ownership: Interest in a properly recorded mining claim or site may be transferred in its entirety or in part. A quitclaim deed or a recordable conveyance document is needed for this transfer of interest. An amended location notice is proper to show changes in the description of a claim or site. An amended location notice is not proper for a transfer of ownership. An amended location notice may accompany the quitclaim deed. File transfer and amendment documents with the proper COUNTY OFFICE and BLM STATE OFFICE. File transfer documents within 60 days after the transfer.

Abandonment or Relinquishment: Upon abandonment of a claim or site or relinquishment to the Federal Government, file a notice with the proper COUNTY OFFICE and the BLM STATE OFFICE. No particular form is required; a letter is acceptable. Be sure to include the claim or site name and the BLM serial number. There is no charge to file these documents.

BLM considers a claim or site abandoned and void if the claimant fails to record with BLM within the prescribed period.

THE PROPER BLM STATE OFFICE IS THE ONLY OFFICIAL FILING OFFICE FOR BLM.

List of BLM and Forest Service Offices Where Mining Claim and Site Documents Are Filed.

BLM	FOREST SERVICE
State Office -- Location Notice -- Amendment or Transfer of Ownership -- Notice of Abandonment or Relinquishment -- Affidavit of Assessment Work -- Notice of Intention to Hold -- Petition for Deferment of Assessment Work -- Patent Application	Regional Office -- None
District Office -- Notice -- Plan of Operation	Forest Supervisor's Office --None
Resource Area Office -- In many States the District Office has delegated acceptance of a notice or plan to the Resource Area Office.	Ranger District Office --Notice of Intent --Plan of Operation

NOTE: In some States the BLM, the Forest Service, and the State may have signed a memorandum of understanding or a cooperative agreement. The agreement may allow a State agency or a county department to be the lead on approving a plan of operations on public lands. The operator would submit a plan of operations to the State or county agency, rather than the BLM or the Forest Service.

List of Fees for Filing Mining Claim and Site Documents with BLM (effective January 3, 1989).

New Location Notice (per claim/site)	$ 10
Amendments/Transfer of Ownership (per claim/site)	$ 5
Affidavit of Annual Assessment Work (per claim/site)	$ 5
Notice of Intent to Hold (per claim/site)	$ 5
Petition for Deferment of Assessment Work (per petition)	$ 25
Mineral Patent Application	$250
Filing for more than one claim/site in one patent application (per additional claim/site)	$ 50

MAINTENANCE (ANNUAL WORK/ SURFACE MANAGEMENT)

Annual Assessment Work

To keep a possessory interest in the claim or site, the claimant must perform a minimum amount of labor or make improvements worth $100 each year. Assessment is work performed in good faith. It develops the claim and directly helps in the extraction of minerals. Geological, geophysical, and geochemical surveys may qualify as assessment work for a limited period. However, a requirement for use is the filing of a detailed report, including basic findings. Most State laws require the annual filing of an affidavit of assessment work with the proper county. Also, FLPMA requires the filing of an affidavit of annual assessment work with both the local COUNTY OFFICE and the proper BLM STATE OFFICE.

Assessment work is not a requirement for owners of mill or tunnel sites. However, they must file a notice of intention to hold the site.

Performance of assessment work must be within a certain period referred to as the assessment year. The assessment year begins at noon, September 1. It ends at noon, September 1 of the next year (see 43 CFR 3851.1). Performance of assessment work need not occur during the first calendar year of location. However, the claimant should file a notice of intent to hold the claim.

There is no requirement for filing evidence of assessment work or a notice of intent to hold upon issuance of the first half of a final (mineral entry) certificate for a mineral patent. However, these requirements remain in effect upon cancellation of the final certificate by BLM. They also remain in effect upon withdrawal of the patent application by the applicant.

A notice of intention to hold a claim or site is a letter signed by the claimant(s) or the agent (s). It must give the BLM serial number assigned to each claim or site and any change in mailing address of the claimant(s). If used to notify the county and BLM of an approved or pending petition for deferment of annual assessment work, it must include a reference to the decision on file with BLM (by date granted and serial number) or the pending petition (by date of filing and serial number). BLM may grant a temporary *deferment of assessment* work (see 43 CFR 3852.1) under certain conditions. These conditions concern denial of legal access to a mining claim. Such a deferment may not exceed one year for two successive years. There is no particular form for a petition for deferment of assessment work. The petition can be a letter signed by at least one of the owners of the claim. It must fully explain the legal impediments preventing access. A copy of the notice to the public recorded with the county must accompany the petition. The petition must give the BLM mining claim serial number(s) and the assessment year.

County: Each State has its own deadline for filing an affidavit of assessment work. Most States require filing within 30 to 90 days after the end of the assessment year.

BLM: Claimants must file with BLM a *copy* of any of the above mentioned documents filed with the county. Even if a State does not have a filing requirement, claimants must still file with BLM. The deadline for filing with BLM is December 30 of each calendar year following the year of location. A nonrefundable $5 service charge for each claim and site must accompany the affidavit or notice. A nonrefundable $25 service charge must accompany a petition for deferment of assessment work.

BLM considers a claim or site abandoned and void if the claimant fails to file these documents within the prescribed period. A determination of abandonment by BLM voids the claim or site.

THE APPROPRIATE BLM STATE OFFICE IS THE ONLY OFFICIAL FILING OFFICE FOR BLM.

Surface Management

Most Federal agencies have regulations to protect the surface resources of the public lands during exploration and mining activities. Reclamation of disturbed sites is a requirement after completion of exploration and mining activities. Another requirement is the submission of a notice or a plan of operations before conducting any surface disturbing activities. Also, most State governments have mining and reclamation requirements. To avoid duplication, some States have entered into cooperative agreements with Federal agencies. Operators should check with Federal and State agencies to determine the lead agency before submitting a notice or plan.

Forest Service: Exploration and mining activities on lands administered by the Forest Service are subject to the regulations of the Secretary of Agriculture in 36 CFR 228(A). These regulations require that anyone whose proposed operation could likely cause "significant disturbance of surface resources" must submit an operating plan. The operating plan should describe the nature of the proposed disturbance and steps to protect surface resources. It must also describe steps to reclaim the land after mining related activities have stopped. Any proposed structures or occupancy must be described. The plan must be approved by an authorized Forest Service Officer. Miners wishing to prospect or locate claims or sites in National Forests should contact the local District Ranger concerning questions about operating plans.

BLM: Exploration and mining activities on BLM-administered land are subject to the regulations of the Secretary of the Interior in 43 CFR 3809. These regulations require an operator to prevent unnecessary and undue degradation of the land. They require the operator to prepare a plan of operations and a reclamation plan in certain situations. These situations usually involve the surface disturbance of 5 or more acres. Also, Special Category Lands as defined in 43 CFR 3809.1-4 always requires a plan of operations. Less than 5 acres of surface disturbance usually requires a notice. There is no requirement for notifying BLM of casual use activities. Casual use activities are those that cause only negligible disturbance of the public lands and resources. For example, activities that do not involve the use of earth moving equipment or explosives may be considered casual use, but not always.

Exploration and mining activities in BLM wilderness study areas (WSAs) are subject to regulations in 43 CFR 3802. The BLM Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM Handbook 8550-1;

November 10, 1987) also give rules concerning mineral activities in WSAs. Both sets of rules require a plan of operations for all activities other than casual use. Reclamation is a requirement for all surface disturbing activities in WSAs. Reclamation must be completed to the point that mining activities are substantially unnoticeable by the time the Secretary of the Interior makes recommendations for wilderness designation to the President. Therefore, each BLM State Director has set a date for completion of reclamation in WSAs.

Reclamation is a requirement following any surface disturbing activity, even if the claim or site is declared abandoned and void by BLM. It is also required if the claimant relinquishes the claim or site to the Federal Government.

Approval of plans of operation are usually at the local level. Therefore, the operator should contact the proper BLM District or Resource Area Office for questions concerning plans of operation.

States: Operators should be aware that many States have their own mine and reclamation laws. Many also have their own environmental laws to regulate air and water pollution and use of hazardous materials. Some States, like California and Alaska, require a permit for use of suction dredges. Similarly, construction activities usually require meeting standards of a county code, as well as State public health and safety standards. Some States have entered into a memorandum of understanding or a cooperative agreement with BLM and the Forest Service. These agreements reduce the duplication by the operator and Federal and State agencies in enforcing rules. For these reasons, inquire about State and local requirements before trying to mine on public lands.

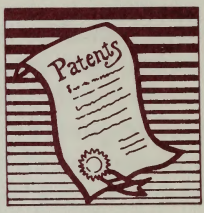
Areas of Special Concern: The Federal Government maintains the right to manage the surface and surface resources on mining claims and sites located after July 23, 1955 (see 30 U.S.C. 612). This includes the use of the area for public recrea-

This includes the use of the area for public recreational purposes that do not interfere with a mining activity. Claimants may not construct locked gates across public access routes, unless a full-time attendant is present. This is to allow the public access to public lands that may exist beyond the mining operation. Approvals for locked gates are usually given for the protection of an operator's equipment and facilities. These approvals usually restrict the operator to a fenced compound surrounding the immediate area of operations.

Claimants may not construct or store permanent or temporary structures without approval by the authorized Federal official. Approval is usually in the form of an approved plan of operations. Intermittent or casual mineral exploration and development does not justify the use of such structures.

The right of access to a claim across public lands does not mean that the miner has a right to cause unnecessary or undue degradation. In areas designated as closed to off-road vehicle use, a permit is required for use of vehicles on other than existing roads. New road construction and use of existing roads in these areas require an approved plan of operations. The claimant is liable for damages if found responsible for unnecessary loss or injury to property of the United States.

Issuance of a notice of trespass may occur if an unpatented claim or site is: 1) used for a homesite, place of business, or for other purposes not reasonably related to mining or milling activities; 2) used for the mining and sale of mineral materials, such as common varieties of sand, gravel, building stone, or leasable minerals; or 3) located on lands that for any reason have been withdrawn from mineral location. Mining claims and sites located on lands after a mineral location withdrawal is in effect are void. However, a claim or site located before a mineral entry withdrawal is in effect is a prior or valid existing right.



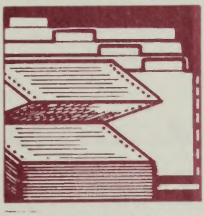
MINERAL PATENTS

A Patented mining claim is one for which the Federal Governmet has passed its title to the claimant, making it private land. A person may mine and remove minerals from a mining claim without a mineral patent. However, a mineral patent gives the owner exclusive title to the locatable minerals. In most cases, it also gives the owner title to the surface and other resources. Patenting requires a discovery of a valuable mineral deposit that satisfies the prudent man and marketability tests. In addition, the applicant needs to: 1) have the claim surveyed (if it is a lode claim, a claim described by metes and bounds, or a claim situated on unsurveyed land) by a mineral surveyor selected from a roster maintained by the BLM State Office, 2) post a "notice of intent to patent" on the claim or site and publish it in a local newspaper for a 60-day period, 3) pay BLM a nonrefundable $250 filing fee per application (and an additional $50 filing fee per additional claim/site in the application), 4) show BLM evidence of a right of title to the claim or site, 5) show BLM proof of discovery of a valuable mineral deposit, and 6) show BLM proof that not less than $500 worth of development work has been made to benefit each claim or site.

A Federal mineral examiner will examine the application and the claim(s) or site(s) to verify the validity of the claim/site. If all the requirements of the mining laws and regulations have been satisfied, the law allows the applicant to purchase the claim(s) or site(s) at the following rates: lode claims at $5 per acre, placer claims at $2.50 per acre, custom mill sites and mill sites associated with lode claims at $5 per acre, and mill sites

associated with placer claims at $2.50 per acre.

THE APPROPRIATE BLM STATE OFFICE IS THE ONLY OFFICIAL FILING OFFICE FOR BLM.



BLM LAND AND MINERAL RECORDS

The BLM office with the most complete set of records for a particular State is the BLM STATE OFFICE. A BLM STATE OFFICE has a complete set of land and mineral status records for that state. It is also the only office in which the actual hard copy mining claim records are on file and available for public inspection.

Public land records in the proper BLM STATE OFFICE include land status plats (i.e., Master Title Plats or MTPs), land survey notes, and mineral survey notes and maps. Mining claim records include the actual hard copy files organized by mining claim serial number and microfiche abstracts available in four separate formats. Formats for the microfiche include a geographic index by legal description, a claim name index, a claimant name index, and a BLM mining claim serial number index. Also, BLM publishes a series of multicolored surface and mineral management maps (except in Alaska). These maps depict the ownership pattern of public lands. They may be bought at most BLM offices.

MORE INFORMATION

Mining Claims, Mining Plans, and Lands Open to Mining:

BLM: The Bureau of Land Management, Department of the Interior, has the primary responsibility for administering the laws and regulations regarding the disposal of locatable minerals from all Federally administered lands. Statutory authority is derived from the Mining Law of 1872, as amended (30 U.S. Code 22 et seq.), the original public land authority in 43 U.S. Code 2, 1201 and 1457, and the Federal Land Policy and Management Act of 1976 (43 U.S. Code 1701 et seq.) which together with the regulations (43 CFR 3800) and numerous legal decisions that have interpreted them, make up the mining law. The law may be examined in most BLM State Offices or in your public library. For information concerning BLM regulations and public lands open to mining in specific areas, contact the proper BLM State or local office. BLM State Offices are listed at the back of this pamphlet.

Forest Service: For information regarding public land within the National Forest System and Forest Service surface management regulations (36 CFR 228[A]), contact the appropriate Forest Service Regional or local Ranger District Office. Forest Service Regional Offices are also listed at the back of this pamphlet.

State: Information on State and local requirements and cooperative agreements between the State, BLM, and the Forest Service may sometimes be obtained at local BLM and Forest Service offices, otherwise, contact the appropriate State or local agency.

Geology and Minerals, Topographic Maps, and Mining Technology:

U.S. Geological Survey: The Interior Department's Geological Survey (USGS) publishes many topographic maps and geologic maps and reports. The central source of information about these maps and related materials is the Earth Science Information Center, U.S. Geological Survey, National Center, Reston, Virginia 22092. Maps and reports are available for purchase from the Branch of Distribution, Box 25286, U.S. Geological Survey, Federal Center, Denver, Colorado 80225. In addition, USGS publications can be obtained over-the-counter at the Earth Science Information Centers in Alaska (2), California (3), Colorado (1), Utah (1), Washington (1), and Washington, DC (1).

U.S. Bureau of Mines: The Interior Department's Bureau of Mines publishes many reports about specific mineral commodities (including annual mineral commodity statistics by commodity and by State), mining and milling techniques, mine safety, and environmental research. The central source of this information is the U.S. Bureau of Mines, Office of Public Information, Washington, DC 20241.

In addition, the Geological Survey and the Bureau of Mines maintain a cooperative Minerals Information Office (MIO) located in the Department of the Interior Building, Room 2647-MIB, 18th and C Streets, NW, Washington, DC 20240, phone (202) 343-5512 or 343-5520. Additional MIO offices are in Tucson, AZ; Reno, NV; and Spokane, WA. These offices are staffed by technical information specialists from both agencies, who dispense information about mineral deposits, mining, and prospecting.

State: Information concerning State mining laws and regulations which supplement the Mining Law of 1872, as amended, plus information concerning the geology and minerals of specific areas in a State, can be obtained from State geologists, State geological surveys, or State mining departments.

BUREAU OF LAND MANAGEMENT

STATE OFFICES

ALASKA
222 W. 7th Ave.
13
Anchorage, AK 99513
(907) 271-5960

ARIZONA
3707 N. 7th Street
P.O. Box 16563
Phoenix, AZ 85011
(602) 241-5547

CALIFORNIA
Federal Building
2800 Cottage Way
E-2841
Sacramento, CA
95825
(916) 978-4754

COLORADO
2850 Youngfield St
Lakewood, CO 80215
(303) 236-2100

EASTERN STATES
350 S. Pickett St
Alexandria, VA 22304
(703) 461-1452

IDAHO
3380 Americana
Terrace
Boise, ID 83706
(208) 334-1414

MONTANA
222 N. 32nd St
P.O. Box 36800
Billings, MT 59107
(406) 255-2885

NEVADA
Federal Building
850 Harvard Way
P.O. Box 12000
Reno, NV 89520
(702) 328-6300

NEW MEXICO
Joseph M. Montoya
Federal Building
South Federal Place
P.O. Box 1449
Santa Fe, NM
87504-1449
(505) 988-6000

OREGON
825 NE Multnomah St
P.O. Box 2965
Portland, OR 97208
(503) 231-6281

UTAH
324 South State St
Salt Lake City, UT
84111-2303
(801) 539-4001

WYOMING
2515 Warren Avenue
P.O. Box 1828
Cheyenne, WY 82003
(307) 772-2334

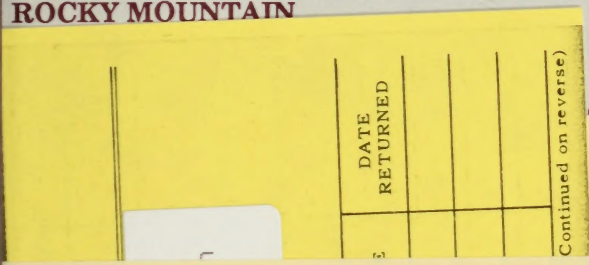
HEADQUARTERS
18th & C Streets N.W.
Washington, DC
20240
(202) 343-5717

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
REGIONAL OFFICES

NORTHERN REGION
USDA, Forest Service
Federal Building
P.O. Box 7669
Missoula, MT 59807
(406) 329-3511

PACIFIC NORTHWEST REGION
USDA, Forest Service
319 SW Pine Street
P.O. Box 36223
Portland, OR 97208
(503) 326-2971

ROCKY MOUNTAIN



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Mining claims and sites on public domain lands

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